



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,912	04/21/2000	Ken-ichi Ohta	35.G2573	9393

5514 7590 01/14/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

KASSA, YOSEF

ART UNIT PAPER NUMBER

2625

DATE MAILED: 01/14/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,912

Applicant(s)

OHTA, KEN-ICHI

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) 6, 7 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/05/2003 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonoda et al (6,014,453), and further in view of Kuboki et al (5,790,165).

Regard to claims 1, Sonoda discloses reading means for reading color image data stored in image storage (see Fig. 7, the CPU item 30, reading out image data stored in memory 20), means provided in color-image processing apparatus (see Fig. 7, item 1, RGB or color image data processing device); and determination means for determining the similarity between the color image data and a specific image (see col.

Art Unit: 2625

14, lines 14-27, the received image data (RGB data) judged or compared with reference pattern), wherein the color image data used by determination means determining the similarity between specific image and the color image data is read from image storage means at a predetermined time which is independent of a read instruction given by a user to read the color image data stored in the image storage means (see col. 14, lines 8-27, previously established pattern stored in memories 36a and 37a, which reads on predetermined time, and this process is done without a user command, which reads on independent of a read instruction given by a user).

Sonoda did not explicitly call for determine pattern of a specific image data. In the same field of endeavor, However, Kuboki (see col. 11, lines 10-18) teach this feature. At the time of the invention, it would have been obvious to incorporate the teaching of Kuboki image determination unit into Sonoda system, because Kuboki provides Sonoda units a system which detects a specific image or a predetermined image form an original image in a color printer, color copier and color facsimile, performing an output control of the original image based on the result of detection (see col. 1, lines 10-15).

Regard to claims 2, Sonoda discloses color-image processing apparatus comprises a computer, and wherein the imagestorage means comprises a hard disk (see col. 5, lines 45-47).

Regard to claims 3, Sonoda discloses the color image data is stored in image storage means as a file (see col. 8, lines 59-64).

Regard to claims 4, Sonoda discloses alteration means for performing alteration for of the color-image data when said determination means determines that the color image data coincides with the pattern (see col. 5, lines 43-48).

Regard to claims 5, Sonoda discloses pattern the image storage means, and determination means are controlled by an operating system on a computer, and wherein the operating system periodically controls said determination means to perform determination on the color image data stored in the image storage means (see col. 8, lines 57-65).

Regard to claims 7, Sonoda discloses determination means does not determine the similarity with respect to the color image data having determination completed flag information (see col. 8, lines 33-41).

Regard to claims 8, Sonoda discloses determination means determines the similarity when application software executed on a computer reads the color image data from said storage the image means (see col. 8, lines 45-48).

Regard to claims 9, Sonoda discloses determination means performs a determination when an operation input from an operator is not provided for a predetermined period (see col. 8, lines 33-39).

Regard to claims 10, Sonoda discloses determination means performs a determination when a CPU (central processing unit) of color-image processing apparatus does not execute application software (see col. 17, lines 36-48).

Art Unit: 2625

Regard to claims 11, Sonoda discloses determination means in, performs a determination when color-image processing apparatus is turned on (see col. 8, lines 42-50).

Regard to claims 12, Sonoda discloses means performs a determination when copying the color image data from an external storage device to the image storage means (see col. 8, lines 54-65).

Claims 13 and 14 are similarly analyzed as claim 12.

Regard to claims 15, Sonoda discloses determination means performs a determination by obtaining bit-map data other than data buried within the image file in a format of a tag (see col. 9, lines 44-48).

Claims 18 and 20 are similarly analyzed as claim 1

Claims 19 and 21 are similarly analyzed as claim 2.

Allowable Subject Matter

3. Claims 6, 7 and 15- 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-

Art Unit: 2625

5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

PATENT EXAMINER

Yosef Kassa

01/08/03


TIMOTHY M. JOHNSON
PRIMARY EXAMINER